

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon N. Swanson  
Serial No.: 10/730,510  
Conf. No.: 2343  
Filed: December 8, 2003  
For: PRIMARY DATA STREAM  
COMMUNICATION  
Art Unit: 2614  
Examiner: Elahee, MD S.

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

May 26, 2009

Date

Registration No. 40,607  
Attorney for Applicant(s)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Patent owner hereby appeals to the Board from the decision of the Primary Examiner mailed February 24, 2009, finally rejecting Claims 1, 3-13 and 15-23, in the above referenced application. The filing fee for the Notice of Appeal of \$270.00 is paid by check attached hereto.

The Commissioner is hereby authorized to charge any additional fees that may be required for this Notice to keep the Application pending, or to credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

**Customer No. 24978**

May 26, 2009  
300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315  
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GREER, BURNS & CRAIN, LTD.

By

Thomas R. Fitzsimons  
Registration No. 40,607

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